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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,195	03/14/2001	Philip D. Mooney	MOONEY 64	1728

7590 02/24/2005

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Washington, DC 20036-3307

EXAMINER
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CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/805,195	<b>Applicant(s)</b> MOONEY, PHILIP D.	
	<b>Examiner</b> Charles R Craver	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 January 0314 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillgren in view of Bell, US Pat 6,600,902.

**Claims 1, 5:** Tillgren discloses a cellular telephone (104) comprising a cellular telephone module 128, a piconet front end 134 and a cordless PSTN gateway role 130 in direct communication with said cellular and piconet modules (FIG 1), allowing a remote piconet device 102 to answer a telephone call over the piconet network (col 11 lines 57-67, col 13 lines 10-15). Tillgren discloses a headset, but fails to disclose that it is a cellular telephone device. However, Bell discloses that a piconet network may be operated using a number of connected devices, which may be piconet-only devices or may be piconet-able cellular telephones (col 4 lines 24-41, col 1 lines 8-17) in a similar system to that taught by Tillgren (FIG 1). Therefore, it would have been obvious to one of ordinary skill in the art, given that Tillman discloses the use of a piconet cellphone as the PSTN master, to use a piconet cellphone as the remote, given the disclosure of Bell.

**Claim 2:** the base station of Tillgren in view of Bell performs a telephone terminal role.

**Claims 3 and 4:** Tillgren and Bell disclose that both the master and the remote are BLUETOOTH devices. **Claim 6:** the combined invention of Tillgren in view of Bell

would inherently include at least one identifier for an authorized headset/phone. **Claim 7:** despite the fact that Tillgren in view of Bell fails to disclose a scatternet connection, such was well-known at the time of the invention, and as such the examiner takes Official Notice of such a feature, asserting that one of ordinary skill in the art would have considered such a feature as it was a standard and available at the time.

**Claims 8, 13:** Tillgren discloses a means and method for remotely answering a cellular telephone call over a piconet network, comprising establishing a network including a cellular telephone (104) and a remote device (102) in direct communication and routing audio from the cellular telephone to the remote device (col 11 lines 57-67, col 13 lines 10-15). Tillgren discloses a headset, but fails to disclose that it is a cellular telephone device. However, Bell discloses that a piconet network may be operated using a number of connected devices, which may be piconet-only devices or may be piconet-able cellular telephones (col 4 lines 24-41, col 1 lines 8-17) in a similar system to that taught by Tillman (FIG 1). Therefore, it would have been obvious to one of ordinary skill in the art, given that Tillman discloses the use of a piconet cellphone as the PSTN master, to use a piconet cellphone as the remote, given the disclosure of Bell.

**Claims 9, 14:** Tillgren discloses that calls are established from the cellular telephone under control of the piconet remote device. **Claims 10, 15:** Bell and Tillman disclose BLUETOOTH audio. **Claims 11, 16:** despite the fact that Tillgren in view of Bell fails to disclose a scatternet connection, such was well-known at the time of the invention, and as such the examiner takes Official Notice of such a feature, asserting that one of

ordinary skill in the art would have considered such a feature as it was a standard and available at the time. **Claims 12, 17:** the combined invention of Tillgren in view of Bell would inherently include at least one identifier for an authorized headset/phone.

Claims 18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillgren in view of Bell and Tuoriniemi.

**Claims 18, 23:** Tillgren discloses a means and method for remotely answering a cellular telephone call over a piconet network, comprising establishing a network including a cellular telephone (104) and a remote device (102) in direct communication and routing audio from the cellular telephone to the remote device (col 11 lines 57-67, col 13 lines 10-15). Tillgren discloses a headset, but fails to disclose that it is a cellular telephone device or a ring. However, Bell discloses that a piconet network may be operated using a number of connected devices, which may be piconet-only devices or may be piconet-able cellular telephones (col 4 lines 24-41, col 1 lines 8-17) in a similar system to that taught by Tillman (FIG 1), and Tuoriniemi discloses a remote device connected to a cellular telephone which may ring when a call is incoming (col 6 line 39- col 7 line 8, col 11 lines 40-67). Therefore, it would have been obvious to one of ordinary skill in the art, given that Tillman discloses the use of a piconet cellphone as the PSTN master, to use a piconet cellphone as the remote, given the disclosure of Bell, and to add a ring, given that Bell discloses that the remote may be a standard cellular phone. **Claim 20:** multiple remote users would be rung in the case where the invention of Tillgren in view of Bell and Tuoriniemi is used in a group calling scenario, the

application of which would have been an obvious use to one of ordinary skill in the art.

**Claim 21:** Tillgren and Bell disclose BLUETOOTH. **Claim 22:** Tuoriniemi discloses sending a ring indication from the phone to the remote.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillgren in view of Bell and Tuoriniemi as applied to claim 18 above, and further in view of Wingate, US Pat 6,006,115.

While disclosing applicant's invention of claim 18 above, Tillgren in view of Bell and Tuoriniemi fails to disclose ringing both the phone and the remote. However, Wingate discloses that a standard phone may ring in order to notify a user of a headset, and also that the headset may be rung as well (col 4 lines 14-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Tillgren in view of Bell and Tuoriniemi, as Wingate discloses that such makes sure that the user is alerted.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Plaza II, 200 South 20<sup>th</sup> St, Arlington VA, first floor (receptionist).

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

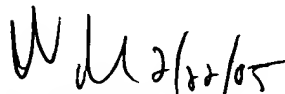
If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

February 22, 2005

  
**CHARLES CRAVER**  
**PRIMARY EXAMINER**